

**City of Somerville
Licensing Commission**

**Senior Center
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Monday
January 24, 2011
6:00 p.m.**

MINUTES

1. Minutes of the December 13, 2010 meeting.

COMMUNICATION

2. Massachusetts State Lottery Commission re: Keno-To-Go

STATUS

3. Debra McLaughlin from The Center for Arts at the Armory to give status update regarding the transfer of the Wine and Malt license transferred from The Dali Restaurant in 2010. This application is pending at the Alcoholic Beverage Control Commission.

COMMON VICTUALER LICENSES

4. Potato Freak-Not Your Average Potato
102 Washington St.
Leonico DaSilva
5. EBI Sushi
290 Somerville Ave.
Juan C. Vidal
6. Mr. Sheng Ping Ou, change of name on Common Victualer license
Business has recently incorporated. License to read Oriental Chinese Restaurant, Inc. d/b/a Oriental Chinese Restaurant, 513 Medford St. (currently under owners name).

**ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT LICENSES**

Change of DBA Name

7. New Asia Chinese Restaurant, 328 Somerville Ave., requesting approval to change the DBA name to Union Kitchen and Bar.

Transfer of License

8. Razy's, Inc. requesting approval to transfer the All Forms Alcoholic Beverages 7 Day Restaurant license to Masala, Inc., and for an Entertainment license consisting of Musicians, D.J., Dancing, Karaoke, Audio and Television situated at 1127 Broadway, Somerville, MA

CLUB LICENSE

HEARING CONTINUED FROM DECEMBER 13, 2010 MEETING

9. George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

VIOLATIONS

10. American Legion Post 388, 163 Glen St. to show cause why the All Forms Alcoholic Beverages Club license of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit: -

Somerville Licensing Commission Rule 1.09.a. - It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.b. Licensees shall maintain compliance with all health and safety laws for the areas outside and contiguous to the licensed premises.

Somerville Licensing Commission Rule 1.09.d. Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps may include, but are not limited to:

- (1) Having an employee stationed at the door to watch patrons as they leave;

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by

the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for Police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license. (The date of the alleged offense was November 6, 2010).

11. Cibobella, Inc., d/b/a Sagra, 400 Highland Ave. to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.05. (3)Licensees must ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner must take appropriate steps which may include a police detail to supervise the leave-taking of the patrons at closing time. Said police detail shall be in addition to, and not instead of, the licensees own personnel;

Somerville Licensing Commission Rule 1.12. a. Premises licensed for the consumption of food or beverages at the premises are public places where members of the public are invited and expect to be treated in the same manner as in other public places with regard to the provision of a decent and non-offensive environment. Food and beverage licensees are not permitted to have, create, produce, or tolerate any environment at the premises that is intended to hold any person or any group of people up to ridicule or derision such that said person or said group of persons would not feel comfortable at the premises.

Somerville Licensing Commission Rule 1.12.a. h. It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or other photographic reproductions depicting any of the acts or any simulation of any of the acts hereinbefore listed (The date of the alleged offense is November 28, 2010).